

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE WILLIAM PENN LIFE INSURANCE COMPANY
OF NEW YORK,

Plaintiff,

-against-

**08 CV 01141 (WCC)
PARTIAL JUDGMENT**

KIMBAL VISCUSO, CHARLES M. BIRNS AND
BETH S. MARTIN-BIRNS,

Defendants.

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CHARLES M. BIRNS, BETH S. MARTIN-BIRNS,

Counter Claimants,

THE WILLIAM PENN LIFE INSURANCE COMPANY
OF NEW YORK,

Counter Defendant.

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THE WILLIAM PENN LIFE INSURANCE COMPANY
OF NEW YORK,

Counter Claimant,

CHARLES M. BIRNS, BETH S. MARTIN-BIRNS,


Counter Defendants.

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Whereas the above entitled action having been assigned to the Honorable William C. Conner, U.S.D.J., and the Court thereafter on July 31, 2008, having handed down an Opinion and Order (Docket #24), granting the motion of William Penn Life Insurance Company of New York ("William Penn") for interpleader relief and denying Viscuso's motion to dismiss the complaint, and William Penn is hereby ordered to deposit into the registry of the Court the sum of \$350,000, plus interest at the rate of 5 and ½ % per annum computed from April 4, 2007 to the date of the deposit, the depositing of said sum shall fully discharge the liability of William Penn on life insurance policy 0700014261, defendant Viscuso's motion for summary judgment on her claim to the proceeds of the policy is granted, it is therefore,

ORDERED, ADJUDGED AND DECREED: that the motion of plaintiff William Penn Life Insurance Company of New York ("William Penn") for interpleader relief is granted, and defendant Kimbal Viscuso's motion to dismiss is denied, William Penn is hereby ordered to deposit into the registry of the Court the sum of \$350,000, plus interest at the rate of 5 and ½ % per annum computed from April 4, 2007 to the date of the deposit, the depositing of said sum

shall fully discharge the liability of William Penn on life insurance policy 0700014261, defendant Viscuso's motion for summary judgment on her claim to the proceeds of the policy is granted, and Judgment is hereby entered in favor of defendant Viscuso in the amount to be deposited by William Penn, and the deposit of said funds will be disbursed to Viscuso.

DATED: White Plains, New York
August 25, 2008


J. Michael McMahon - Clerk of Court